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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY PETRU and MARCUS MATHIS,
individually and on behalf of all others similarly
situated,

Plaintiff,
vs.

APPLE, INC.; HACHETTE BOOK GROUP, INC.; HARPERCOLLINS PUBLISHERS, INC.; MACMILLAN PUBLISHERS, INC.; PENGUIN GROUP (USA), INC., and SIMON & SCHUSTER, INC.,

Defendants.

THIS DOCUMENT ALSO RELATES TO:

STEVEN RIVERS, on behalf of himself and all others similarly situated

Plaintiff,
vs

MACMILLAN, SIMON & SCHUSTER,
HACHETTE BOOK GROUP,
HARPERCOLLINS PUBLISHERS, PENGUIN
GROUP (USA) INC. AND APPLE INC

Defendants

Case No. 3:11-CV-03892-EMC

ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED

THIS DOCUMENT ALSO RELATES TO: Case No. 3:11-CV-05080-JCS

STEVEN RIVERS, on behalf of himself and all others similarly situated

MACMILLAN, SIMON & SCHUSTER,
HACHETTE BOOK GROUP,
HARPERCOLLINS PUBLISHERS, PENGUIN
GROUP (USA) INC. AND APPLE INC

ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED
CASE NO. 3:11-CV-03892-EMC

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to Local Civil Rule 3-12, Plaintiff submits this
 3 administrative motion for the Court to consider whether *Rivers v. Macmillan, et al.*, Case No. 3:11-CV-
 4 05080-JCS, filed October 17, 2011, should be related to *Petru, et al. v. Apple, Inc., et al.*, Case No. 3:11-
 5 CV-03892-EDL.

6 The *Rivers* action may be related to the *Petru* action because it concerns substantially the same
 7 parties, property, transaction or event. The cases are brought against the same defendants as class
 8 actions on behalf of persons who purchased eBooks subject to agency pricing and allege violations of
 9 the Sherman Act, 15 U.S.C. § 1, relating to price fixing.

10 For the same or similar reasons, the *Rivers* action may also be related to the following cases
 11 pending in the Northern District of California:

- 12 1. *Diamond, et al. v. Apple, Inc., et al.*, No. 3:11-cv-03954-EMC;
- 13 2. *Gilstrap, et al. v. Apple, Inc., et al.*, No. 3:11-cv-04035-EMC;
- 14 3. *Albeck, et al. v. Apple, Inc., et al.*, No. 3:11-cv-04110-EMC;
- 15 4. *Rossmann, et al. v. Apple, Inc., et al.*, No. 3:11-cv-04192-MEJ;
- 16 5. *Key, et al. v. Apple, Inc., et al.*, No. 3:11-cv-04754-EMC;
- 17 6. *Ruane-Gonzales, et al. v. Apple, Inc., et al.*, No. 3:11-cv-04500-EMC; and
- 18 7. *Miller, et al. v. Hachette Book Group, Inc., et al.*, No. 3:11-cv-05019-JCS.

19 The *Petru* and *Diamond* actions are subject to an MDL petition with a hearing set for December
 20 1, 2011, and the other listed actions are likely to be treated as tag-along actions. *See* MDL No. 2293.

21 The *Rivers* and *Petru* actions are likely to require the determination of the same or similar
 22 questions of law and fact and thus call for substantially similar or duplicative discovery. Accordingly, a
 23 substantial duplication of labor is likely if the cases were to proceed before different judges and the
 24 parties could be subject to conflicting results. Assignment of these actions to a single District Court
 25 Judge will conserve judicial resources and promote efficient determination of the actions while avoiding
 26 potentially conflicting outcomes. Both actions are in the preliminary stages of litigation and assignment
 27 to a single judge thus would not prejudice any of the parties. Accordingly, Plaintiff Steven Rivers
 28 respectfully requests that *Rivers v. Macmillan, et al.* be deemed related to *Petru v. Apple, Inc., et al.*

1 Dated: October 20, 2011

2 By: /s/ Amy M. Zeman
3 Amy M. Zeman

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CERTIFICATE OF SERVICE

I, Amy M. Zeman, hereby certify that on October 20, 2011, I caused the below listed documents to be filed electronically with the United States District Court for the Northern District of California through the Court's mandated ECF service.

- 1. ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED**
- 2. DECLARATION OF AMY M. ZEMAN RE ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED; AND**
- 3. [PROPOSED] ORDER RELATING CASES**

I also certify that I caused the foregoing to be served *via first class mail* on the attached service list by placing the documents listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at San Francisco, California.

Executed this 20th day of October, 2011 at San Francisco, California.

/s/ Amy M. Zeman

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